

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  AMERICAN FIBER NETWORK, INC.	DOCKET NO. TCU-00-10
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**ORDER GRANTING APPLICATION**

(Issued June 1, 2000)

On March 3, 2000, American Fiber Network, Inc. (AFN), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999), stating its intention to provide local exchange services and unbundled network elements by resale. AFN has stated that it will support a 2-PIC methodology for dialing parity. A statement was filed by AFN on May 25, 2000, indicating that the required notice to all carriers was made May 22, 2000, by AFN.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest." The Board has reviewed AFN's application and finds AFN has demonstrated that it has the necessary technical, financial, and managerial ability to provide local exchange service. It is in the public interest to grant a certificate to AFN.

The Board is concerned that the late date of the notice given to other affected carriers has not permitted adequate time for any affected carrier to request a hearing as provided by Iowa Code § 476.29(2) (1999). However, since the granting of the application is merely an intermediate step in becoming certified, the Board will grant

the application subject to any complaints that may be filed in response to the notice of May 22, 2000, and the tariff and map filing requirements.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity filed by American Fiber Network, Inc., on March 3, 2000, is granted, subject to any complaints filed and related investigation considering the late date of notice given to other affected carriers, and subject to the tariff and map requirements that follow.

2. At the time American Fiber Network, Inc., files tariffs with the Board, it must give notice to all affected local exchange carriers. Upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service in Iowa offered by American Fiber Network, Inc., and maps identifying the exchange boundaries where service is to be provided, the Board will issue a certificate of public convenience and necessity allowing it to provide local exchange service in Iowa.

**UTILITIES BOARD**

/s/ Allan T. Thoms

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 1<sup>st</sup> day of June, 2000.